

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ROBERT MARTIN,)	CASE NO. 1:10 CV 2707
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
MR. MOORE,)	
)	
Defendant.)	

On December 2, 2010, plaintiff pro se Robert Martin, an inmate at the Grafton Correctional Institution, filed this civil rights action against Mr. Moore, identified as the Director of the Ohio Department of Rehabilitation and Corrections. For the reasons stated below, this action is dismissed without prejudice.

The Prison Litigation Reform Act of 1995, Pub. L. No. 104-40, § 1(a), 110 Stat. 1327 (1996) amended 28 U.S.C. § 1915. Among the changes to the statute is a provision which prevents a prisoner from bringing a civil action or appealing a judgment in a civil action in forma pauperis if, on three or more prior occasions, the prisoner brought an action or appeal in a court of the United States that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g).

Martin has on at least six occasions filed a civil action

failing to state a federal claim in the federal courts. See, *Martin v. Hawkins*, N.D. Ohio Case No. 5:04 CV 2387; *Martin v. Lowery*, S.D. Ohio Case No. 2:04 CV 704; *Martin v. Lowery*, S.D. Ohio Case No. 2:04 CV 641; *Martin v. Ohio Supreme Court*, S.D. Ohio Case No. 2:04 CV 613; *Martin v. Wayne County National BankTrust and Investment*, N.D. Ohio Case No. 5:03 CV 1211; and, *Martin v. Coval*, S.D. Ohio Case No. 2:99 CV 703. Further, the complaint in the instant action does not contain allegations reasonably suggesting he is in imminent danger of serious physical injury. Thus, Martin may not proceed *in forma pauperis*, and this case is subject to summary dismissal. *Rittner v. Kinder*, No. 06-4472, 2008 WL 3889860 (6th Cir. Aug. 20, 2008).

Accordingly, this action is dismissed without prejudice. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/Dan Aaron Polster 1/20/11
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE